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REMARKS

Claims 1-16 and 21-25 are pending in the application.

Claims 9-11 and 25 are rejected under 35 U.S.C. 112, ¶1, as failing to comply with the written description requirement.

Claims 1, 6, 9, 12-16, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milton (U.S. Patent US 6,631,018 B1) in view of Admitted Prior Art (page 15, lines 15-18, hereinafter "APA") and further in view of Sato (U.S. Patent US 5,491,686, hereinafter "Sato").

Claims 2-5, 7-8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milton in view of APA and Sato and further in view of Darcie (U.S. Patent US 4,701,904, hereinafter "Darcie").

Each of the various rejections is overcome by various amendments and/or arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the

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limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

REJECTIONS

35 U.S.C. 112

Claims 9-11 and 25 are rejected under 35 U.S.C. 112, ¶1, as failing to comply with the written description requirement.

Even though the subject matter in amended claims 9 and 25 filed in the Response of May 10, 2007 is supported by the original specification, Applicants have amended claims 9 and 25 to remove the specific subject matter.

As such, the rejection should be withdrawn.

35 U.S.C. 103

Claims 1, 6, 9, 12-16, and 21-25

Claims 1, 6, 9, 12-16, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milton in view of APA and further in view of Sato. Applicants respectfully traverse the rejection.

Independent claims 1, 9 and 25 have been amended to further recite "wherein the first frequency is optically dropped and re-generated by each node in the network." The subject matter is supported in the original specification, for example, on p.5, lines 14-16. Thus, no new matter has been added.

Milton teaches a communications network with a plurality of nodes interconnected by an optical transmission medium, with a filter provided at each node for dropping a band associated therewith and passively forwarding other bands, and a device provided at each node for adding a band to the transmission medium (see Abstract). By using identical band filters at two points on the ring, bi-directional communication can be implemented between those two points as long as no other nodes use the same band filters (e.g., col. 5, lines 45-49).

Although Milton teaches that each node typically has at least one band filter, a maintenance channel modulator and demodulator, and that the maintenance channel is created by embedding a pilot tone on each wavelength (col. 9, lines 45-64; Fig. 11), there is no teaching or

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suggestion in Milton that the maintenance channel is optically dropped and re-generated at each node at the same frequency (e.g., first frequency). As such, Milton fails to teach or suggest Applicants' invention, which provides for a first frequency that is optically dropped and re-generated by each node in the network.

Since neither APA nor Sato teaches or suggests this feature of Applicants' invention that is missing in Milton, Applicants submit that Milton, APA and Sato, singly or in combination, fail to teach or suggest Applicants' invention as a whole. As such, the amended claims 1, 9 and 25 are patentable over Milton, APA and Sato.

Since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Milton, APA and Sato.

Therefore, claims 1, 6, 9, 12-16 and 21-25 are allowable over Milton, APA and Sato under 35 U.S.C. 103. As such, the rejection should be withdrawn.

Claims 2-5, 7-8 and 10-11

Claims 2-5, 7-8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milton in view of APA and Sato and further in view of Darcie.

Each ground of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 103 given Milton in view of APA and further in view of Sato. Since the rejection under 35 U.S.C. 103 given Milton in view of APA and further in view of Sato has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Darcie supplies that which is missing from Milton in view of APA and further in view of Sato to render the independent claims obvious, these grounds of rejection cannot be maintained.

Therefore, claims 2-5, 7-8 and 10-11 are allowable under 35 U.S.C. 103. As such, the rejection should be withdrawn.

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CONCLUSION

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 10/5/07



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